

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRUCE L. DORSEY,	:	NO. 1:08-CV-00093
	:	
Plaintiff,	:	
	:	
vs.	:	OPINION AND ORDER
	:	
TIM BRADSHAW, et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 8), to which no objection was filed. For the reasons indicated herein, the Court ADOPTS and AFFIRMS The Magistrate Judge's Report and Recommendation and DISMISSES this case from the Court's docket.

Plaintiff filed his pro se Complaint on February 13, 2008, which appears on the surface to assert a claim of racial discrimination against his former place of employment (doc. 8). However, the Magistrate Judge, in reviewing Defendants' Motion to Dismiss or in the Alternative for a More Definite Statement (doc. 5), found the Complaint is incomprehensible and concluded it is impossible for the Court to interpret the factual background or claims alleged (Id.).

The Magistrate Judge properly reviewed the applicable standard of Estelle v. Gamble, 429 U.S. 97, 106 (1976), which requires the Court to construe allegations in a Complaint liberally, but found that where a pro se Complaint is so vague and

confusing that no party could possibly understand and reply to it is deficient and must be dismissed (Id. citing Aaron v. Bob Evans Rest., 477 F.Supp.2d 853, 856-57 (N.D. Ohio 2007)). In this case, the Magistrate Judge found Plaintiff's Complaint does not contain the minimum requirements of a short and plain statement showing entitlement to relief (Id.). As such, the Magistrate Judge concluded that Plaintiff's factual allegations, taken as true, are insufficient to raise a right of relief above the speculative level, and the Complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) (Id.).

Having reviewed this matter, the Court concludes that the Magistrate Judge's Report and Recommendation is correct. The Court has reviewed Plaintiff's Complaint and finds it indecipherable. Moreover, Plaintiff's Response to Defendants' Motion to Dismiss merely accuses Defendants of being argumentative as opposed to providing an explanation of the Complaint. Under such circumstances, the Court finds that Defendants' Motion to Dismiss should be GRANTED. Fed. R. Civ. P. 12(b)(6). Accordingly, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 8), and DISMISSES this matter from the Court's docket.

SO ORDERED.

Dated: October 2, 2009

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge